IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 2ND AUGUST 2007 / 11TH SRAVANA 1929

OP.No. 6147 of 1998(F)

PETITIONERS:
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1. P.K.V.KUNHAMMAD, AGED 47, S/O. KUNHABDULLA HAJI, MEETHAL P.O., IRINGATH, CALICUT.

2. P.P.BALAN, AGED 51, S/O. KANNAN, PUTHAN PURAYIL, P.O.IRINGATH, CALICUT.

3. N. JAYARAJAN, AGED 41 YEARS, S/O. LATE T.V.KELAPPAN, SIDDHALAYAM, P.O.MOOLAD, NADUVAMNNUR (VIA), KOZHIKODE.

4. T.K.SANKARAN, S/O. LATE CHOYIKKUTTY T.K., ANANDA SADANAM, MOOLAD P.O., KOZHIKODE.

BY ADV. SRI.MKS.MENON

RESPONDENTS:
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1. STATE OF KERALA REPRESENTED BY CHIEF SECRETARY, SECRETARIAT, TRIVANDRUM.

2. THE GEOLOGIST, DEPARTMENT OF MINING AND GEOLOGY, KOZHIKODE.

BY SENIOR GOVERNMENT PLEADER SMT. MEERA.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 02/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & HARUN-UL-RASHID, J.

O.P.No.6147 of 1998-F

Dated, this the 2nd day of August, 2007

JUDGMENT

H.L. DATTU, CJ.

Petitioners seek for the following reliefs:

> "i) declare that the Government is not entitled to collect royalty on the granite rocks being excavated from the property of the petitioners held as jenmam.
>
> ii) direct the respondents to provide necessary permit to excavate and transport minerals to the quarries belonging to the petitioners.
>
> iii) pass such other or further appropriate orders as deem fit and proper by this Hon'ble Court according to the facts and circumstances of the case, and122
>
> iv) award cost of the petitioners."

2. The issues raised in this original petition are identical to the issues raised and considered by this court in O.P.No.1843 of 1996 and connected cases. Respectfully following the observations made in the aforesaid decision, this original petition is also disposed of in the same terms, conditions and the orders and directions issued in that case.

3. In view of the order passed in the original petition, the relief sought for

in C.M.P. No.10903 of 1998 need not be considered by this court. Accordingly, the said C.M.P. is also rejected.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

HARUN-UL-RASHID,
JUDGE.

mt/

H.L.DATTU, C.J. &
HARUN-UL-RASHID, J.

O.P.No.6147 of 1998-F

JUDGMENT

2.8.2007